

PATENT  
Atty. Dkt. No. SEA/3021

## REMARKS

This is intended as a full and complete response to the Final Office Action dated December 22, 2003, having a shortened statutory period for response set to expire on March 22, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-16 are pending in the application and are shown above. Claims 1, 2, 7-10, 13 and 16 have been rejected by the Examiner. In addition, claims 3-6, 11, 12, 14 and 15 have been objected to.

Applicant has amended claims 1-11 and 13-15 to correct deficiencies in form. Claim 16 has been cancelled. Claim 17 has been added. Applicant respectfully requests that claims 1-15 be reconsidered, and that new claim 17 be examined.

### Rejection of Claims 1 and 2

In Paragraph 29 of the Office Action, the Examiner has rejected claims 1 and 2 under 35 USC § 103(a) as being unpatentable over Meeks, *et al.* (U.S. Patent No. 6,392,749). Applicant respectfully traverses the rejections.

Claim 1 is amended to clarify (as taught at paragraphs 37, 38) that a track average is taken for an entire revolution of each track of a plurality of tracks to establish a representative track slope. Then a number of moving averages of a plurality of tracks is taken; followed by taking a derivative of the moving averages, yielding a curvature profile of the whole disc. None of these steps, to quickly produce a curvature profile of an entire disc, is shown by Meeks.

### Rejection of Claim 8

In Paragraph 30 of the Office Action, the Examiner has rejected claim 8 under 35 USC § 103(a) as being unpatentable over Meeks, *et al.* (U.S. Patent No. 6,392,749) in view of Tian, *et al.* (U.S. Patent No. 5,497,085). Claim 8 is indirectly dependent on claim 1. Because claim 1 is allowable, Applicant respectfully submits that claim 8 is likewise allowable.

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### **Rejection of Claim 16**

The Examiner objected to claim 16 under 35 USC § 101. Applicant has cancelled claim 16. However, new claim 17 has been added. Applicant submits that new claim 17, which is an independent apparatus claim, does not have the technical deficiency of claim 16 cited by the Examiner.

### **Objections to Claims 1-5, 7-9, 10-11 and 14-15.**

In Paragraphs 8-18 of the Office Action, the Examiner tendered a series of objections to various claims. The subject claims are claims 1-5, 7-9, 10-11 and 14-15. In response, Applicant has amended these claims as set out above. October 1, 2003. In that Response, independent claims 1, 4 and 5 were amended.

First, claim 1 has been amended in order to correct phases which the Examiner deemed to lack antecedent basis. In addition, the formatting of the claim has been changed to more clearly identify steps within the invention. In addition, two steps have been added at the beginning of the claim. However, it is understood that the addition of these two steps is not a narrowing amendment to claim 1, as these steps were already inherent in the scope of the claim. The various amendments to claim 1 are intended to more clearly recite the nature and scope of the invention claimed therein.

Claim 2 has been amended to correct the lack of antecedent basis deemed by the Examiner. Claims 3, 4 5 and 7 have likewise been amended to correct a lack of antecedent basis found by the Examiner in connection with each claim. Again, these amendments are intended to clarify the nature and scope of the inventions claimed therein.

The Examiner has not objected to claims 6 or 9. Nevertheless, Applicant has amended claims 6 and 9 to clarify the nature and scope of the invention.

Claim 8 has also been amended. The Examiner noted that "the moving average" found in the originally tendered claim lacked antecedent basis. In addition, the Examiner stated that claim 8, as originally tendered, was "generally narrative and indefinite." For these reasons, claim 8 has been amended.

The Examiner has next objected to claims 10 and 11 as having terms lacking antecedent basis. Accordingly, these claims have been amended to correct the

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perceived lack of antecedent basis. In addition, and with respect to independent claim 11, the claim has been reformatted to more clearly identify various steps under the method. The various amendments in claims 10 and 11 are not intended to narrow the scopes of these claims, but to clarify the nature and scope of inventions claimed therein.

Claim 13 was objected to by the Examiner as being "generally narrative and indefinite." Accordingly, claim 13 has been amended to identify that the disc drive comprises a read/write head.

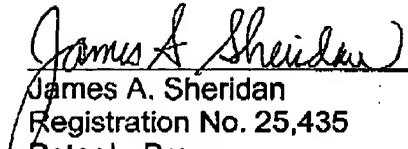
Finally, the Examiner has objected to claims 14 and 15 as having terms lacking antecedent basis. Accordingly, these claims have been amended to correct these perceived deficiencies. In addition, the format of claim 15 has been modified to more clearly identify its subject matter.

Applicant thanks the Examiner for pointing out the various claim deficiencies.

### Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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